

Introduced by Senator Florez

February 22, 2005

An act to amend Section 42300 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1056, as introduced, Florez. Air pollution: districts: permits.

(1) Existing law authorizes an air pollution control district board or air quality management district board to establish, by regulation, a permit system that requires a person to obtain a permit before the person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance that may release air contaminants. Existing law authorizes the regulations to provide that a permit is valid only for a specified period.

This bill would require, rather than permit, every district board to establish, by regulation, a permit system, and would require the regulations to provide that a permit is valid only for a specified period.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42300 of the Health and Safety Code is
2 amended to read:

1 42300. (a) Every district board~~may~~ *shall* establish, by
2 regulation, a permit system that requires, except as otherwise
3 provided in Section 42310, that before any person builds, erects,
4 alters, replaces, operates, or uses any article, machine,
5 equipment, or other contrivance which may cause the issuance of
6 air contaminants, the person obtain a permit to do so from the air
7 pollution control officer of the district.

8 (b) The regulations~~may~~ *shall* provide that a permit shall be
9 valid only for a specified period. However, the expiration date of
10 any permit shall be eligible for extension upon completion of the
11 annual review required pursuant to subdivision (e) of Section
12 42301 and payment of the fees required pursuant to Section
13 42311, unless the air pollution control officer or the hearing
14 board has initiated action to suspend or revoke the permit
15 pursuant to Section 42304, 42307, or 42309, that action has
16 resulted in a final determination by the officer or the board to
17 suspend or revoke the permit, and all appeals have been
18 exhausted or the time for appeals from that final determination
19 has been exhausted.

20 (c) The annual extension of a permit's expiration date pursuant
21 to subdivision (b) does not constitute permit issuance, renewal,
22 reopening, amendment, or any other action subject to the
23 requirements specified in Title V.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 a local agency or school district has the authority to levy service
27 charges, fees, or assessments sufficient to pay for the program or
28 level of service mandated by this act, within the meaning of
29 Section 17556 of the Government Code.